

Attachment C



DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
ADJUTANT GENERAL'S OFFICE
COMMONWEALTH OF PENNSYLVANIA
ANNVILLE, PENNSYLVANIA 17003-5002

Office of Staff Judge Advocate
Comm (717) 861-8635
Autovan 491-8635

August 5, 2005

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, Missouri 63132-5200

Subject: Application for Correction of Military Record of Jason D. Brady

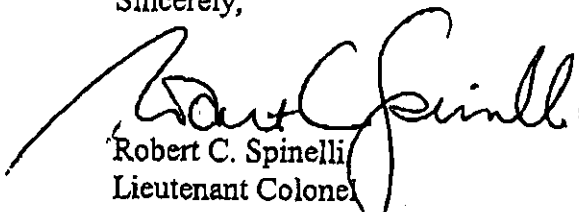
Dear Sir or Madam:

I write in my capacity as a legal assistance attorney on behalf of Specialist Jason D. Brady, A Company, 1st Battalion, 112th Infantry, 28th Infantry Division (Mechanized) and his enclosed Application for Correction of Military Record.

Enclosed is Specialist Brady's DD Form 149 requesting a \$5,000 enlistment bonus that he did not receive when he enlisted in the Pennsylvania Army National Guard. The Pennsylvania Army National acknowledges that Specialist Brady should have received the enlistment bonus. He had initially requested the option to attend Officer Candidate School which precluded his receiving an enlistment bonus. He subsequently changed his mind (within two weeks of his enlistment) and opted to enlist as an infantryman, but the requisite documentation did not follow this change in his plans. Regulations do not allow the Pennsylvania Army National Guard to issue bonuses after execution of the enlistment contract.

On behalf of Specialist Brady and the Pennsylvania Army National Guard, I respectfully request that the Board correct this situation by directing the National Guard to pay the bonus previously denied. The supporting documentation enclosed here includes Specialist Brady's enlistment contract and the Pennsylvania Army National Guard's endorsement of the request.

Sincerely,


Robert C. Spinelli
Lieutenant Colonel
Pennsylvania Army National Guard
Staff Judge Advocate

Enclosures

**APPLICATION FOR CORRECTION OF MILITARY RECORD
UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SECTION 1552**
(Please read instructions on reverse side BEFORE completing this application.)

Form Approved
OMB No. 0704-0003
Expires May 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON THE BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 US Code 1552, EO 9397.

ROUTINE USE(S): None.

PRINCIPAL PURPOSE: To initiate an application for correction of military record. The form is used by Board members for review of pertinent information in making a determination of relief through correction of a military record.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose record you are requesting to be corrected.)

a. BRANCH OF SERVICE (X one) ☒ ARMY ☐ NAVY ☐ AIR FORCE ☐ MARINE CORPS ☐ COAST GUARD

b. NAME (Print - Last, First, Middle Initial)

Brady, Jason D

c. PRESENT OR LAST
PAY GRADE

E-4

d. SERVICE NUMBER (If applicable)

e. SSN

184-64-2892

2. PRESENT STATUS WITH RESPECT TO THE
ARMED SERVICES (Active Duty, Reserve,
National Guard, Retired, Discharged, Deceased)

National Guard

3. TYPE OF DISCHARGE (If by court-martial, state
the type of court.)

4. DATE OF DISCHARGE OR RELEASE
FROM ACTIVE DUTY (YYYYMMDD)

2006/1/06

5. I REQUEST THE FOLLOWING ERROR OR INJUSTICE IN THE RECORD BE CORRECTED: (Entry required)

Award of \$5000 enlistment bonus per 11B MOS option

6. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST FOR THE FOLLOWING REASONS: (Entry required)

Enlistment for 11B MOS option Accepted based on the
contingency that the bonus would be awarded

**7. ORGANIZATION AND APPROXIMATE DATE (YYYYMMDD) AT THE TIME THE ALLEGED ERROR OR INJUSTICE IN THE RECORD
OCCURRED (Entry required)**

B Co 1/12th INF, PA Army National Guard, 2006/1/24

8. DISCOVERY OF ALLEGED ERROR OR INJUSTICE

a. DATE OF DISCOVERY
(YYYYMMDD)

2000/07/09

b. IF MORE THAN THREE YEARS SINCE THE ALLEGED ERROR OR INJUSTICE WAS DISCOVERED, STATE WHY THE BOARD
SHOULD FIND IT IN THE INTEREST OF JUSTICE TO CONSIDER THE APPLICATION.

Appropriate chain of command and appeals to the
National Guard Bureau were first used

**9. IN SUPPORT OF THIS APPLICATION, I SUBMIT AS EVIDENCE THE FOLLOWING ATTACHED DOCUMENTS: (If military documents or medical
records are pertinent to your case, please send copies. If Veterans Affairs records are pertinent, give regional office location and claim number.)**

Memorandum from COL. JANZE, Military Personnel Officer;
Letter from L. COL. SPINELLI, Staff Judge Advocate

10. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON,
D.C. (At no expense to the Government) (X one)

YES. THE BOARD WILL
DETERMINE IF WARRANTED.

☒ NO. CONSIDER MY APPLICATION
BASED ON RECORDS AND EVIDENCE.

11.a. COUNSEL (If any) NAME (Last, First, Middle Initial) and ADDRESS (Include ZIP Code)

NONE

b. TELEPHONE (Include Area Code)

c. E-MAIL ADDRESS

d. FAX NUMBER (Include Area Code)

12. APPLICANT MUST SIGN IN ITEM 15 BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF
DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate
the name (print) and relationship by marking one box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

13.a. COMPLETE CURRENT ADDRESS (Include ZIP Code) OF APPLICANT OR PERSON
IN ITEM 12 ABOVE (Forward notification of all changes of address.)

4885 STATE Hwy 173
Cochran, GA 31034

b. TELEPHONE (Include Area Code)

814-425-2444

c. E-MAIL ADDRESS

JDBRADY_@hotmail.com

d. FAX NUMBER (Include Area Code)

14. I MAKE THE FOREGOING STATEMENTS, AS PART OF MY CLAIM, WITH FULL KNOWLEDGE OF THE
PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT OR CLAIM. (U.S. Code, Title 18,
Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)

15. SIGNATURE (Applicant must sign)

16. DATE SIGNED
(YYYYMMDD)

2005/7/25



DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
ADJUTANT GENERAL'S OFFICE
COMMONWEALTH OF PENNSYLVANIA
FORT INDIANTOWN GAP
ANNVILLE, PENNSYLVANIA 17003-5002
VOICE/TDD 1-800-645-8924

MP-SPT-IB

14 July 2005

MEMORANDUM FOR Army Board of Corrections for Military Records

SUBJECT: Recommendation for favorable action in reference to Specialist (SPC) Jason D. Brady

1. Reference: National Guard Regulation 600-7 para 1-14c dated March 1999.
2. SPC Brady enlisted in the Pennsylvania Army National Guard on 6 January 2000. Part of his enlistment contract included the Officer Candidate School option (OCS). He was also enlisted with the understanding he was eligible for the \$5000 Enlistment Bonus that was in effect at the time of his enlistment.
3. On 24 January 2000, SPC Brady was informed that the enlistment bonus was not authorized with the OCS option and in good faith he relinquished the OCS option with the understanding that this would make him eligible for the \$5000 Enlistment Bonus.
4. The National Guard Bureau verbally denied SPC Brady's request for exception to policy. Regulations do not allow for contracts to be completed after the date of enlistment to gain eligibility for incentives.
5. Due to administrative errors, we are recommending that SPC Brady be made eligible for and paid the \$5000 Enlistment Bonus
6. Thank you for your assistance in this matter. Any questions can be directed to SGT Warren Wolfe @ (717) 861-8536 or warren.wolfe@pa.ngb.army.mil

FOR THE ADJUTANT GENERAL:

A handwritten signature in black ink, appearing to read "Matthew E. Janze".

MATTHEW E. JANZE
COL, GS, PAARNG
Military Personnel Officer